

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MEETING MINUTES  
APRIL 2, 2012**

Present: Geri Rueter, Rod Gottfredsen, Sue Kolve-Feehan, Howard Twait and Jeffrey Patterson

Present by Teleconference: Cheryl Pearse

Staff: Tom Ryan, Executive Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guests: Gery Esquerre, Ken Zraggen, Mary Kiley, Cindy Peckenpugh, Marge Wood, JoAnn Schneider, Janet Newman, Rachel Steverson, Francis Jablowski, Lisa Kraemer, Joan Kornitz, Nyia Sallee, Alan Murphy, Dan Gramer, Melissa Brainerd, Lauri Thomas, Kris Holick, Carol Myers, Traci Multerer, Carrell Jablonski, Mary Noel Cretam, Karen Kraus, Penny Nelson, Fern Michaels, Loraine Botelho, Rosemary Storm, Sandy Brietzman, Marvin Rushing, Tim Michaels, Gaulien Smith, Julie Brolin, Haveezah Ahmed, Ken Moore and Lazonnice Belton

Jeffrey Patterson, Board Chair, called the meeting to order at 9:36 a.m. A quorum of 5 members was confirmed. Jeffrey Patterson introduced Gerri Reuter as the newest member of the Board. She replaces Janice Boeck as the public school representative.

**ADOPTION OF AGENDA**

**Amendments**

- Add Item “substitute amendments” relative to 2011 SB 489 to the agenda packet at page 60.
- Add Item J (13-16) - 4 Stipulations that were included in the red folder packet to the agenda packet at page 147.
  - 10 BAC 069 – Kathleen R. Morris
  - 10 BAC 069 Heidi Schlienger
  - 10 BAC 069 – Wendy Wiest
- Add Item F(2)(b) Status of CE

**MOTION:** Sue Kolve-Feehan moved, seconded by Howard Twait, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Rod Gottfredsen moved, seconded by Sue Kolve-Feehan, to approve the minutes of January 30, 2012 as published. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

Tom Ryan told the Board that Denise Aviles has left the Department and he will be serving as the Executive Director on an interim basis. Tom Ryan noted that the July 2 meeting has been rescheduled to June 25, 2012. He also indicated that the stipulation related to 10 BAC 114 was included in the red folder but had already been included in the agenda packet.

**BOARD DISCUSSION**

- **DIVISION OF ENFORCEMENT MATTERS**
  - a. Discussion and Action on the Internal Protocol Regarding Late Additions to the Agenda  
Chad Koplien presented the policy related to the post agenda deadline items. Ms. McGowan reviewed the policy in the agenda packet and noted changes that were made to the policy since the agenda was printed.

**MOTION:** Rod Gottfredsen moved, seconded by Geri Reuter, to adopt the policy as submitted with corrections as reflected in the record of today's meeting. Motion carried unanimously

- **EDUCATION AND EXAMINATION MATTERS**

- a. New Exam Vendor Overview

Gary Esquerre and Ken Zraggen from Pearson Vue appeared to present an overview of their testing program.

Marvin Rushing addressed the Board and asked if interpreters will still be needed for the foreign language exams and Pearson Vue indicated that they will no longer be needed. He also asked about the backlog that is being created due to the new vendor delay and it was noted that any person that had a permit that will expire before the new exam is ready for implementation. Aaron Knautz told the Board that the temporary permits will be re-issued to those currently holding permits if they were to expire prior to the exam to allow them time to test.

Lauri Thomas asked if those getting temporary permits this week could also be extended. Aaron Knautz told her that they will not be extended as they will be able to take the exam within the 6 months time period. She asked if the reference book would remain the same and she was told that it would remain "Milady" or "Pivot Point."

Judy Mender addressed the Board and explained the temporary permit application process.

- b. Status of CE

Yolanda McGowan provided the Board with an update related to continuing education. With the bill separating Barbering and Cosmetology, the ongoing CE requirement will only apply to licensees that fall under the Cosmetology Examining Board. The requirement will begin effective in 2013 and will be 3 hours relative to safety, sanitation and infection control and 1 hour in law. Barbers can be required to complete 4 hours of CE each biennium only within the first 8 years of practice but cannot be required to complete the CE in person.

- **LEGISLATION/ADMINISTRATIVE RULE MATTERS**

- a. Discussion and Action Related to 2011 SB 453

Yolanda McGowan indicated that this is a modernization bill that the Department had introduced. She outlined the changes that relate to the practice of barbering and cosmetology.

- b. Discussion and Action Related to 2011 SB 489

Ms. McGowan indicated that this bill is expected to be signed by Governor Walker today and will go into effect July 1, 2012. She explained the changes brought about by this bill and indicated that barbering is to become a separate license. Jeffrey Patterson indicated that this bill was prepared without the expertise or input of the Board or the Department. Rod Gottfredsen asked that the record reflect that chemical treatments should not be part of the barbering license. It was also noted that the bill creates an inactive license with certain requirements but does allow for minimal practice under the inactive license.

#### PUBLIC COMMENTS

Ken Moore addressed the Board and indicated that the curriculum needs to be included in the apprenticeship contract. He also asked the Board to explain what happens with the current apprentices after the new law is enacted. He wanted to know which license the licensee would get – Barbering or Cosmetology. Would the licensee choose which license they would have going forward.

Marvin Rushing indicated that the bill does not address all of the angles. He indicated that he had told Senator Grothman that this was a duplicative bill and that after he testified, a couple of changes were made and then it was passed without further input from anyone. He thinks that they need to get the bill re-written. He indicated that the schools may choose to not become accredited as a Barbering school because it would now require separate accreditation and cost.

Lauri Thomas indicated that when statutes were changed in the past, the legislature met with the Board and it appears that did not happen this time. She encouraged the Board to add nail tech to the composition of the Board and to make the Board more balanced.

Garland Smith addressed the Board. He told the Board that he was the licensee responsible for getting this bill in front of the legislature. He told the Board that he was working with the legislature for 7 years. He indicated that the barbers should be taught how to talk with their clientele and to be the “village to raise a child.”

Mary Kardoskee told the Board that the makeup of the Board should include a cosmetologist. She also indicated that this bill will allow people to do the same thing as cosmetologists do now but with less education. She also disagreed with the earlier comment about it being a barber’s responsibility to “raise a child.”

Lazonnie Belton indicated that this split of licensure is to require separate accreditation and curriculum for the schools. She indicated that all licensees should have an overall understanding of the basics of their profession with additional requirements for each “specialty” that they will practice. She also indicated that she was concerned about needing to go to two separate testing facilities and is questioning what the curriculum is, who is responsible for determining the curriculum and the timing of the release of the curriculum requirements.

Rosemary Storm told the Board that she thinks that the exam is being “dumbed down.” She stated that the students are ill prepared for the exam. She told the Board that a mannequin will not be acceptable for the nail tech exam and the aesthetics exam. She thinks that the CBT is a good idea but takes issue with the quality of the exam.

Francis Jablowski said that he was appalled by the fact that the state can send a regular renewal notice but could not notify him of the change in the statutes that will separate out the Barbering license. He thought that all licensees should have been notified that this was in the works. He thanked the Board for their service and volunteered to serve on the Barbering Board.

Jeffrey Patterson addressed the inactive license part of the bill. He stated that this is an opportunity for “unlicensed practice.”

c. Discussion and Action Related to 2011 SB 522

Yolanda McGowan indicated that this bill has passed and is ready to be signed. She indicated that this bill removes the ability of the Board to require the use of tuberculocidal disinfectant. Alan Murphy of King Products addressed the Board. He indicated that tuberculosis is an airborne issue and the surface disinfectants will not address this issue.

d. Review and Discuss Clearinghouse Report for BC6

Yolanda McGowan indicated that the changes suggested by the Clearinghouse were technical and not substantive and noted that the changes have been made.

**MOTION:** Sue Kolve-Feehan moved, seconded by Rod Gottfredsen, to approve the changes suggested by the Clearinghouse. Motion carried unanimously.

### CLOSED SESSION

**MOTION:** Sue Kolve-Feehan moved, seconded by Rod Gottfredsen, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Howard Twait - yes; Rod Gottfredsen - yes; Sue Kolve-Feehan - yes; Jeffrey Patterson - yes; Gerri Reuter – yes. Motion carried unanimously. Open session recessed at 12:52 p.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Rod Gottfredsen moved, seconded by Howard Twait, to reconvene in open session at 2:09 p.m. Motion carried unanimously.

### VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

#### PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Rod Gottfredsen moved, seconded by Howard Twait, to authorize Jeffrey Patterson to speak on behalf of the Board in opposition of this legislation as written.

**MOTION:** Sue Kolve-Feehan moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matters of 09 BAC 110 and 10 BAC 005 - William A. Kaminski and Cost Cutters; 10 BAC 026 and 10 BAC 079 Elite Nails and Ngoua Ziong; 10 BAC 031 Virginia Nealy and Center of Attraction; 10 BAC 069 – Kathleen R. Morris; 10 BAC 069 Heidi Schlienger; 10 BAC 069 – Wendy Wiest; 10 BAC 086 – Mi Cia Scoville and Kim’s Barber Shop; 10 BAC 096 – Dunc P. Thi; 10 BAC 114 – Michael A. Key and Finest Cuts, Inc.; 11 BAC 026 – Ariel A. Halverson; and 11 BAC 139 – James F. Riedl and Capitol West Barber Shop; . Motion carried unanimously.

The following cases were tabled until the next meeting:

- 10 BAC 045 – Brian R. Green
- 11 BAC 005 – Shay L. Benitez
- 11 BAC 120 – Donald H. Elwood

### CASE CLOSINGS

**MOTION:** Howard Twait moved, seconded by Gerri Reuter, to close the following cases according to the recommendations by the Division of Enforcement:

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|-------------------|---------------|
| a) 09 BAC 084 and | i) 11 BAC 005 |
| 10 BAC 062        | j) 11 BAC 076 |
| b) 09 BAC 110     | k) 11 BAC 109 |
| c) 10 BAC 005     | l) 11 BAC 120 |
| d) 10 BAC 026     | m) 11 BAC 135 |
| e) 10 BAC 054     | n) 11 BAC 150 |
| f) 10 BAC 076     | o) 11 BAC 162 |
| g) 10 BAC 087     | p) 12 BAC 002 |
| h) 10 BAC 096     |               |

Motion carried unanimously.

**MOTION:** Gerri Reuter moved, seconded by Howard Twait, to issue citations in the following cases:

- |                    |                    |
|--------------------|--------------------|
| a) 11 BAC 057 (x2) | d) 11 BAC 119 (x3) |
| b) 11 BAC 099      | e) 11 BAC 123      |
| c) 11 BAC 100      | f) 11 BAC 142      |
- Motion carried unanimously.

### **MONITORING**

**MOTION:** Sue Kolve-Feehan moved, seconded by Rod Gottfredsen, to grant reinstatement of licensure in the matter of Sara J. Bukachek. Motion carried unanimously.

Jeffrey Patterson reassigned cases previously assigned to Janice Boeck to Gerri Reuter and cases assigned to Laura Ruiz to Sue Kolve-Feehan.

### **ADJOURNMENT**

**MOTION:** Sue Kolve-Feehan moved, seconded by Rod Gottfredsen, to adjourn the meeting at 2:25 p.m. Motion carried unanimously.